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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15

16 EXXON MOBIL CORPORATION,

17 Petitioner and
18 Plaintiff,

19 v.

20 SANTA BARBARA COUNTY
BOARD OF SUPERVISORS,

21 Respondent and
22 Defendant,

23 ENVIRONMENTAL DEFENSE
CENTER, GET OIL OUT!, SANTA
BARBARA COUNTY ACTION
24 NETWORK, SIERRA CLUB,
SURFRIDER FOUNDATION, CENTER
25 FOR BIOLOGICAL DIVERSITY, and
WISHTOYO FOUNDATION,

26 Intervenor.
27
28

Case No. 2:22-cv-03225-DMG

**STIPULATION OF
VOLUNTARY DISMISSAL
WITH PREJUDICE**

Courtroom: 8C
Judge: Hon. Dolly M. Gee

TO THIS HONORABLE COURT:

Petitioner and Plaintiff Exxon Mobil Corporation (“ExxonMobil”), Respondent and Defendant Santa Barbara County Board of Supervisors (the “Board”), and Intervenor Environmental Defense Center, Get Oil Out!, Santa Barbara County Action Network, Sierra Club, Surfrider Foundation, Center for Biological Diversity, and Wishtoyo Foundation (“Intervenors,” collectively the “Parties”) by and through their respective counsel, hereby stipulate as follows:

RECITALS

WHEREAS ExxonMobil filed this action on May 11, 2022, seeking a writ of administrative mandate (the “Petition”) and bringing claims for declaratory relief and/or damages for (a) takings in violation of the U.S. Constitution and the California Constitution; (b) violations of the Commerce Clause of the U.S. Constitution; (c) violations of the implied commerce clause of the California Constitution; and (d) illegal exercise of police power under the California Constitution (the “Complaint”).

WHEREAS, each of the claims alleged in the Petition and Complaint arose from the Board's March 8, 2022 decision to deny ExxonMobil's permit application for the Interim Trucking for Santa Ynez Unit Phased Restart Project, Case No. 17RVP-00000-00081 (the "Permit Application"). The Permit Application sought authorization to amend the development plan for Exxon Mobil's Santa Ynez Unit ("SYU") to allow ExxonMobil to temporarily truck SYU's crude oil first to the Phillips 66 Santa Maria Pump Station until it closed, then to the Plains Pentland Terminal for up to seven years or until a pipeline became available, whichever is shorter.

WHEREAS on July 28, 2022, the parties agreed to bifurcate the case into two phases, with the first phase focused on the Petition, and the second phase including all remaining causes of action in the Complaint.

1 WHEREAS on September 27, 2023, the Court denied ExxonMobil's cross-
2 motion for summary judgment on the Petition and granted the Board's and
3 Intervenor's respective motions for summary judgment on the Petition;

4 WHEREAS on February 14, 2024, ExxonMobil sold SYU to Sable Offshore
5 Corp.;

6 WHEREAS on February 15, 2024, ExxonMobil notified the Court that it
7 intended to dismiss the remaining claims in the Complaint;

8 WHEREAS the Parties wish to stipulate to the dismissal with prejudice of the
9 Complaint, which arises from the Board's March 8, 2022 decision on the Permit
10 Application.

11 **STIPULATION**

12 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by
13 and between the Parties that:

- 14 1. ExxonMobil's claims for declaratory relief and/or damages for (a)
15 takings in violation of the U.S. Constitution and the California
16 Constitution; (b) violations of the Commerce Clause of the U.S.
17 Constitution; (c) violations of the implied commerce clause of the
18 California Constitution; and (d) illegal exercise of police power under
19 the California Constitution, all based upon the Board's March 8, 2022
20 decision to deny the Permit Application, are dismissed, with prejudice,
21 pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).
22 2. ExxonMobil shall not appeal this Court's decision on the Petition.
23 3. Each party shall bear its own costs and fees in connection with the
24 Petition and Complaint.

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26 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.
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1 Respectfully submitted,

2 Dated: March 13, 2024

O'MELVENY & MYERS LLP

3
4 By: /s/ Dawn Sestito
5 Dawn Sestito

6 Attorneys for Petitioner and Plaintiff
7 Exxon Mobil Corporation

8 Dated: March 13, 2024

RACHEL VAN MULLEM
COUNTY COUNSEL

9
10 By: /s/ Mary Pat Barry
11 Mary Pat Barry

12 Attorneys for Respondent and Defendant
13 Santa Barbara County Board of
14 Supervisors

1 Dated: March 13, 2024

ENVIRONMENTAL DEFENSE
CENTER

2
3
4 By: /s/ Linda Krop
5 Linda Krop
6 Margaret M. Hall

7 Attorneys for Intervenors,
8 Environmental Defense Center, Get Oil
9 Out!, Santa Barbara County Action
10 Network, Sierra Club, and Surfrider
11 Foundation

12 Dated: March 13, 2024

CENTER FOR BIOLOGICAL
DIVERSITY

13
14 By: /s/ Julie Teel Simmonds
15 Julie Teel Simmonds
16 Elizabeth Jones

17 Attorneys for Intervenors,
18 Center for Biological Diversity and
19 Wishtoyo Foundation
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ATTESTATION RE: SIGNATURES OF REGISTERED CM/ECF FILERS

Pursuant to Local Civil Rule 5-4.3.4(a)(2)(i), the undersigned, counsel of record for Petitioner and Plaintiff Exxon Mobil Corporation, as the filer of this stipulation, attests that all other signatories listed on the signature page(s), and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: March 13, 2024

By: /s/ Dawn Sestito
Dawn Sestito

Attorneys for Petitioner and Plaintiff
Exxon Mobil Corporation